

REGISTER



South Dakota Legislative Research Council

Volume 39

Monday, 8:00 a.m., August 20, 2012

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Labor and Regulation: Division of Insurance: (August 15, 2012) intends to amend a rule to change the name of the entity to which appeals are made. The general authority for this rule, as cited by the department, is SDCL § 58-17-124.

A public hearing will be held at the South Dakota State Library, MacKay Building, Conference Room 1, 800 Governors Drive, Pierre, South Dakota, on September 12, 2012, at 10:00 a.m. Paper copies of the proposed rule may be obtained without charge from and written comments sent to the Division of Insurance, Administrative Rules, 445 E. Capitol Avenue, Pierre, South Dakota 57501-3185. Written comments must be received by September 12, 2012, to be considered. The text of the proposed rule will be posted on the department's website:

http://dlr.sd.gov/insurance/legal/public_hearings.aspx. The rule may also be obtained as a Microsoft Word attachment by emailing gretchen.brodkorb@state.sd.us. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3563 at least 48 hours before the hearing.

Department of Education: Board of Education: (August 15, 2012) intends to amend Early Intervention Program rules to align current state rules with the new federal requirements and amend a Requirements for Education Endorsement Programs rule to

require individuals teaching Curriculum for Agriculture Science Education (CASE) courses to acquire Agriculture Education certification and complete state-approved national certification for CASE. The general authority for these rules, as cited by the board, is SDCL §§ 13-1-12.1, 13-37-1.1, and 13-42-3.

A public hearing will be held at the Cedar Shores Resort, Breakwater Room, 1500 Shoreline Drive, Oacoma, South Dakota, on September 24, 2012, at 5:00 p.m. CDT. Copies of the proposed rules may be obtained without charge from the Department of Education, Ferne Haddock, 800 Governors Drive, Pierre, South Dakota 57501-2294 or from the Internet at <http://www.doe.sd.gov/board/index.aspx>. Written comments may be sent to the board at the address above and must be received by September 23, 2012, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-5669 at least 48 hours before the hearing.

Department of Game, Fish and Parks: (August 16, 2012) intends to amend Mountain Lion Hunting Season rules to increase the total mountain lion harvest limit from 70 to 100 mountain lions and increase the female harvest limit from 50 to 70 female mountain lions; change the season start date from January 1 to December 26; allow any properly licensed hunter (both landowners and non-landowners) to hunt mountain lions outside of the Black Hills Fire Protection District from January 1 to December 31; close Custer State Park to mountain lion hunting except during established hunting intervals for 162 hunters who possess a

valid mountain lion hunting license and a temporary access permit issued free of cost and by random drawing, and structured to include five hunting intervals (14-16 days in length) with each having 30 access permits (no dog hunting allowed) and three intervals (7 days in length) with each having four access permits (dog hunting allowed); and allow for the use of dogs during specified intervals in Custer State Park; and amend Black Hills Bighorn Sheep Hunting Season rules to establish a process for designating and issuing one bighorn sheep hunting license for auction. The general authority for these rules, as cited by the department, is SDCL § 41-2-18.

A public hearing will be held at the AmericInn, 360 Main Street, Deadwood, South Dakota, on October 4, 2012, at 2:00 p.m. (MDT). Copies of the proposed rules may be obtained from and written comments sent to Jeffrey R. Vonk, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by and in the office of the Secretary of the Department of Game, Fish and Parks on or before 12:00 p.m. three (3) days prior to the date of the hearing to be included within the record of the public hearing and to be considered by the Commission. Comments may also be sent by email to Wildinfo@state.sd.us. All written and email comments must include the commenter's name and address. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3387 before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

**DEPARTMENT OF AGRICULTURE:
ANIMAL INDUSTRY BOARD:** 12:68:01:01;
12:68:03:07; 12:68:04:01.01, 12:68:04:09,
12:68:04:11, 12:68:04:32, 12:68:04:37;
12:68:06:01, 12:68:06:03, 12:68:06:09,
12:68:06:11; 12:68:07:03; 12:68:09:07;
12:68:10:02; 12:68:12:04; 12:68:13:02,

12:68:13:04, 12:68:13:13, 12:68:13:15,
12:68:13:18, 12:68:13:37; 12:68:14:01;
12:68:16:01, 12:68:16:02; 12:68:17:11;
12:68:18:07; 12:68:20:04; 12:68:21:01;
12:68:23:02, 12:68:23:11; 12:68:24:01,
12:68:24:04; 12:68:25:01; and 12:68:28:01 to
12:68:28:04, inclusive.

History-Notice: 38 SDR 223, June 18, 2012
Hearing: July 10, 2012
Filed: August 14, 2012
Effective: September 3, 2012

DEPARTMENT OF EDUCATION: BOARD OF EDUCATION: 24:08:06:01.

History-Notice: 38 SDR 229, June 25, 2012
Hearing: July 16, 2012
Filed: August 14, 2012
Effective: September 3, 2012

**DEPARTMENT OF EDUCATION: STATE
LIBRARY BOARD:** 24:30:06:01 to
24:30:06:07, inclusive; 24:30:07:01 to
24:30:07:07, inclusive.

History-Notice: 39 SDR 5, July 9, 2012
Hearing: July 25, 2012
Filed: August 14, 2012
Effective: September 3, 2012

DEPARTMENT OF TRANSPORTATION:
70:01:02:16(2) and 70:01:02:41.

History-Notice: 38 SDR 213, June 4, 2012
Hearing: July 26, 2012
Filed: August 15, 2012
Effective: September 4, 2012

**DEPARTMENT OF GAME, FISH AND
PARKS:** 41:03:01:13; 41:03:03:03;
41:03:04:03; 41:06:04:03; 41:06:21:01,
41:06:21:02; 41:06:23:02, 41:06:23:03;
41:06:26:05; 41:06:36:02, 41:06:36:02.01,
41:06:36:02.02; 41:06:50:03; and 41:09:13:01
to 41:09:13:04, inclusive.

History-Notice: 38 SDR 229, June 25, 2012
Hearing: July 9, 2012
Filed: August 16, 2012
Effective: September 5, 2012

DEPARTMENT OF GAME, FISH AND PARKS: 41:06:04:04, 41:06:04:14; 41:06:16:03, 41:06:16:05, 41:06:16:07; 41:08:02:06, 41:08:02:08; 41:09:04:03; and 41:09:18:01 to 41:09:18:11, inclusive.

History-Notice: 39 SDR 9, July 16, 2012
Hearing: August 2, 2012
Filed: August 16, 2012
Effective: September 5, 2012

DEPARTMENT OF LABOR AND REGULATION: BOARD OF ACCOUNTANCY: 20:75:02:07, 20:75:02:12; 20:75:03:05; 20:75:04:00, 20:75:04:01; 20:75:05:01, 20:75:05:05 to 20:75:05:08, inclusive, 20:75:05:17; 20:75:07:01 to 20:75:07:03, inclusive, 20:75:07:08, 20:75:07:09, 20:75:07:11, and 20:75:07:12.

History-Notice: 38 SDR 230, June 25, 2012
Hearing: July 16, 2012
Filed: August 16, 2012
Effective: September 5, 2012

Executive Appointments:

Steven G. Harding, Pierre, was appointed on August 10, 2012, to the **South Dakota 911 Coordination Board**, to replace Louis Sebert, effective immediately and shall continue until June 30, 2014.

Gary I. Jaeger, Goodwin, was reappointed on August 10, 2012, to the **South Dakota 911 Coordination Board**, effective immediately and shall continue until June 30, 2015.

Jeffrey A. Murray, Sioux Falls, was appointed on August 10, 2012, to the **State Board of Medical and Osteopathic Examiners**, to replace Dr. John Vanderwoude, effective immediately and shall continue until

October 30, 2014.

Jody Sawvell, Quinn, was reappointed on August 10, 2012, to the **South Dakota 911 Coordination Board**, effective immediately and shall continue until June 30, 2015.

Tracy Turbak, Sioux Falls, was reappointed on August 10, 2012, to the **South Dakota 911 Coordination Board**, effective immediately and shall continue until June 30, 2015.

Barbara L. Christensen, Rapid City, was appointed on August 15, 2012, to the **Civil Service Commission**, effective immediately and shall continue until July 1, 2016.

Gordon R. Garnos, Watertown, was appointed on August 15, 2012, to the **Civil Service Commission**, effective immediately and shall continue until July 1, 2014.

Robert E. Grandpre, Pierre, was appointed on August 15, 2012, to the **Civil Service Commission**, effective immediately and shall continue until July 1, 2016.

Judith D. Greff, Huron, was appointed on August 15, 2012, to the **Civil Service Commission**, effective immediately and shall continue until July 1, 2016.

Gregory S. Ingemunson, Black Hawk, was appointed on August 15, 2012, to the **Civil Service Commission**, effective immediately and shall continue until July 1, 2014.

Jean M. Morris, Pierre, was appointed on August 15, 2012, to the **Civil Service Commission**, effective immediately and shall continue until July 1, 2015.

Daniel C. Mosteller, Pierre, was appointed on August 15, 2012, to the **Civil Service Commission**, effective immediately and shall continue until July 1, 2015.

Catherine V. Piersol, Sioux Falls, was reappointed on August 15, 2012, to the **Visitation Grant Advisory Group**, effective immediately and shall continue until June 30, 2015.

Debra D. Watson, Rapid City, was reappointed on August 15, 2012, to the **Visitation Grant Advisory Group**, effective immediately and shall continue until June 30, 2015.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

8-21-2012	Labor and Regulation: Division of Insurance	Amend rules to set standards for selling annuities or life insurance when replacing other coverage and define the term initial pretrial hearing; 39 SDR 19.
8-23-2012	Education: Board of Education	Amend rules to implement a new accountability system for South Dakota's public schools, in light of the waiver releasing South Dakota from certain provisions of No Child Left Behind; 39 SDR 23.
9-7-2012	Tourism: State Historical Society	Amend rules to set standard fees for services provided by the State Historical Society; revise the State Historic Preservation Office's review and handling of property tax moratorium applications; and alter when recipients of Deadwood Fund preservation grants from the State Historic Preservation Office must file the required preservation covenant for the grant; 38 SDR 199.
9-12-2012	Revenue: Commission on Gaming	Amend Gaming rules to identify a fee for a gaming property owner license; allow the option for single-deck blackjack games to be paid at odds of at least six to five; and recognize a bonus bet for Pai Gow poker known as Fortune Pai Gow poker and to set forth the rules for the bonus bet; 39 SDR 27.
9-12-2012	Labor and Regulation: Division of Insurance	Amend a rule to change the name of the entity to which appeals are made; 39 SDR 31.
9-24-2012	Education: Board of Education	Amend Early Intervention Program rules to align current state rules with the new federal requirements and amend a Requirements for Education Endorsement Programs rule to require individuals teaching Curriculum for Agriculture Science Education (CASE) courses to acquire Agriculture Education

		certification and complete state-approved national certification for CASE; 39 SDR 31.
10-4-2012	Game, Fish and Parks	Amend Mountain Lion Hunting Season rules to increase the total mountain lion harvest limit from 70 to 100 mountain lions and increase the female harvest limit from 50 to 70 female mountain lions; change the season start date from January 1 to December 26; allow any properly licensed hunter (both landowners and non-landowners) to hunt mountain lions outside of the Black Hills Fire Protection District from January 1 to December 31; close Custer State Park to mountain lion hunting except during established hunting intervals for 162 hunters who possess a valid mountain lion hunting license and a temporary access permit issued free of cost and by random drawing, and structured to include five hunting intervals (14-16 days in length) with each having 30 access permits (no dog hunting allowed) and three intervals (7 days in length) with each having four access permits (dog hunting allowed); and allow for the use of dogs during specified intervals in Custer State Park; and amend Black Hills Bighorn Sheep Hunting Season rules to establish a process for designating and issuing one bighorn sheep hunting license for auction; 39 SDR 31.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Wednesday, September 12, 2012, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2012 interim: November 13, and December 19.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.

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